

**REMARKS**

Claims 10, 11, 23 and 24 are currently pending in the application. Claims 1-9, 12-22 and 25-31 have been canceled. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

***Allowable Claims***

Claims 10, 11, 23 and 24 were indicated to contain allowable subject matter. Accordingly, in an effort to advance prosecution of the allowable subject matter, claims 10 and 23 are being presented in independent form. Furthermore, Applicants submit that all of the pending claims are now in condition for allowance.

***35 U.S.C. § 102(a) Rejection***

Claims 1-9, 12-22 and 25-31 were rejected under 35 U.S.C. § 102(a) as being anticipated by the Article entitled "Block-based Static Timing Analysis with Uncertainty" by Anirudh DEVGAN et al. This rejection is respectfully traversed and moot.

While Applicants disagree with this rejection for reasons already made of record, Applicants have nevertheless canceled the rejected claims in an effort to obtain allowance of the allowable claims.

Applicants have amended claim 10 and 23 and cancelled claims 1-9, 12-22 and 25-31 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious

prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications."

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 102(a) is moot and should be withdrawn.

*Response to the Examiner's Response to Arguments*

On pages 7 and 8 of the instant Final Office Action, the Examiner quotes certain language of DEVGAN as disclosing the features of claims 1 and 14, and asserts that the "other logic" of Fig. 9 specifically discloses the predicting of a delay in circuit paths by considering a portion of the delay that is influenced by a proximity of circuit elements in a path or paths separately from a full delay distribution. This assertion is an unsupported conclusion. Absent from the Examiner's assertion, however, is any explanation whatsoever of how the "other logic" shown in Fig. 9 can be interpreted to disclose this feature. Furthermore, to the extent that the Examiner is basing the instant rejection on an argument of inherency consistent with MPEP 2112, Applicants note that MPEP 2112 specifically states, in part:

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original) (Applicant's invention was directed to a biaxially oriented, flexible dilation catheter balloon (a tube which expands upon inflation) used, for example, in clearing the blood vessels of heart patients). The examiner applied a U.S. patent to Schjeldahl which disclosed injection molding a tubular preform and then injecting air into the preform to expand it against a mold (blow molding). The reference did not directly state that the end product balloon was biaxially oriented. It did disclose that the balloon was "formed from a thin flexible

inelastic, high tensile strength, biaxially oriented synthetic plastic material." *Id.* at 1462 (emphasis in original). The examiner argued that Schjeldahl's balloon was inherently biaxially oriented. The Board reversed on the basis that the examiner did not provide objective evidence or cogent technical reasoning to support the conclusion of inherency.).

The Examiner has neither stated that the rejection is based on inherency, nor provided any basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

On pages 8 and 9 of the instant Final Office Action, the Examiner quotes the same language of DEVGAN as disclosing the features of claims 7 and 20, and asserts that the "other logic" of Fig. 9 also specifically discloses that the at least one location information comprises a centroid of the one or more inputs to the timing test. Again, this assertion is an unsupported conclusion. Absent from the Examiner's assertion, however, is any explanation whatsoever of how the "other logic" shown in Fig. 9 can be interpreted to disclose this feature. Again, to the extent that the Examiner is basing the instant rejection on an argument of inherency consistent with MPEP 2112, Applicants note that the Examiner has neither stated that the rejection is based on inherency, nor provided any basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

On pages 9 and 10 of the instant Final Office Action, the Examiner quotes certain language of DEVGAN as disclosing the features of claim 27, and asserts that the discussion of Fig. 8 specifically discloses computing a new timing slack for the early

path and the late path by using the timing slack variation in the early path and the timing slack variation in the late path. This assertion is an unsupported conclusion. Absent from the Examiner's assertion, however, is any explanation whatsoever of how the discussion of Fig. 8 can be interpreted to disclose this feature. Again, to the extent that the Examiner is basing the instant rejection on an argument of inherency consistent with MPEP 2112, Applicants note that the Examiner has neither stated that the rejection is based on inherency, nor provided any basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

### **CONCLUSION**

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 09-0456.

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,  
David J. HATHAWAY et al.

A handwritten signature in black ink, appearing to read "Andrew M. Calderon", written over a horizontal line.

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